

112TH CONGRESS  
2D SESSION

# H. R. 4368

To amend the Internal Revenue Code of 1986 to provide for the release of Federal tax levies which cause business hardship.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2012

Mr. McDERMOTT (for himself, Mr. LEWIS of Georgia, Mr. STARK, Mr. RANGEL, Mr. NEAL, Mr. LARSON of Connecticut, Mr. BLUMENAUER, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide for the release of Federal tax levies which cause business hardship.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RELEASE OF FEDERAL TAX LEVIES WHICH**  
4 **CAUSE BUSINESS HARDSHIP.**

5 (a) IN GENERAL.—Subparagraph (D) of section  
6 6343(a)(1) of the Internal Revenue Code of 1986 is  
7 amended by inserting “or any trade or business of the tax-  
8 payer” before “, or”.

1 (b) CRITERIA FOR DETERMINING BUSINESS HARD-  
2 SHIP.—Subsection (a) of section 6343 of such Code is  
3 amended by adding at the end the following new para-  
4 graph:

5 “(4) CRITERIA FOR DETERMINING BUSINESS  
6 HARDSHIP.—For purposes of making a determina-  
7 tion under paragraph (1)(D), with respect to a trade  
8 or business of the taxpayer, the Secretary shall take  
9 into consideration—

10 “(A) the economic viability of such trade  
11 or business,

12 “(B) the nature and extent of the hard-  
13 ship, including the extent to which the taxpayer  
14 exercised ordinary business care and prudence,  
15 and

16 “(C) any hardships which would be caused  
17 to other individuals or businesses if such trade  
18 or business were liquidated.”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the date of the enactment  
21 of this Act.

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